



## “No Good Reason for the Government to Interfere”: Business, the State, and Railway Employee Safety in Britain, circa 1900–1939

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I examine the business-state relationship in occupational safety on Britain’s railways between approximately 1900 and 1939. Before 1914, I argue, occupational safety attracted significant state interest. Railway companies neutralized threatened government “interference” by constructing clearly defined roles for each party. Companies did not simply oppose state action, but used a combination of stalling, apparent cooperation, and a subtle discrediting of state “knowledge” to minimize the impact of state intervention upon managerial autonomy. The 1913 “Safety First” campaign was a preemptory response to threatened legislation and a clear instance of the influence of the regulatory environment over the decision-making process within enterprise. I explain the lack of government intervention in safety issues after 1914 in terms of wider political and economic developments in the British railway industry. Continuities across the period, and the companies’ and the state’s shared similar understandings of safety, predisposed the state acceptance of companies’ claims that they could regulate employee safety without state involvement. I demonstrate the importance of state-business interaction in responses to dangerous work environments.

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On February 15 2004, four workers were run over and killed while maintaining railway lines in Northeast England. This incident was a sudden and visible reminder of the potential dangers faced by those who work on the railways. While such deaths are remarkable today, a hundred years ago they were unexceptional. The continued incidence of death and injury over the intervening years demonstrates that throughout its existence, the railway industry has faced one unceasing challenge: how to reconcile the demands of production with the demands of employee safety.

This challenge is the essence of my paper. I will explore some of the ways in which business and the state interacted to construct worker safety

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on the railways of Britain between approximately 1900 and 1939. For the sake of clarity, the term “state” is used to indicate the institutions of national government within Britain, including the governing party, Parliament, and the associated regulatory bodies. I begin with a brief outline of state involvement in railway employee safety in the nineteenth and twentieth centuries, highlighting the exceptional degree of action between 1900 and 1914. I then explain how the companies dealt with external intervention before 1900, arguing that fundamental changes in the railway industry in the late nineteenth century resulted in the increased state interest in employee safety. A 1914 statement epitomizes the railway companies’ strategies to minimize state intervention after 1900: there was “no good reason for the government to interfere.”<sup>1</sup> These strategies culminated in 1913 with the introduction of the “Safety Movement,” an industry-produced safety campaign. I argue, with respect to the lack of state intervention in employee safety after 1914, that the state accepted the “Safety Movement” as the means of improving employee casualty rates. State acceptance of the “Safety Movement” came about because of the strength of interest and the similarity of outlook between the regulators and the railway companies.<sup>2</sup>

Although the interaction between politics and the railway industry in Britain has been relatively well researched, staff safety has received less attention.<sup>3</sup> This is partly a result of the apparent lack of attention devoted to the subject at the state level. Between 1825 and 1893 there was no legislation specifically concerning employee safety.<sup>4</sup> Between 1893 and

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<sup>1</sup> *The Railway Engineer* (June 1914), 169.

<sup>2</sup> Mike Esbester, “‘Dead on the Point of Safety’: Occupational Safety Education on the Great Western Railway, 1913-1939” (Ph.D. diss. in progress, University of York, U.K.).

<sup>3</sup> Gourvish has identified strong government control as a distinguishing feature of the history of railways in Britain. Terry Gourvish, *British Railways, 1948-73: A Business History* (Cambridge, U.K., 1986), 567; Gourvish, “The Regulation of Britain’s Railways,” in *Transport Regulation Matters*, ed. James McConville (London, 1997), 3-15, at 3. See also Henry Parris, *Government and the Railways in Nineteenth-Century Britain* (London, 1965); Geoffrey Alderman, *The Railway Interest* (Leicester, U.K., 1973). Ewan Knox’s “Blood on the Tracks: Railway Employers and Safety in Late-Victorian and Edwardian Britain,” *Historical Studies in Industrial Relations* 12 (Autumn 2001): 1-26, is the only significant study concentrating solely on employee safety.

<sup>4</sup> Employees were theoretically included within the limited powers of the 1840 Railway Regulation Act (“An Act for Regulating Railways,” 3 and 4 Victoria, 1840,

1898, the state took some limited action, regulating working hours and appointing two inspectors to investigate employee casualties.<sup>5</sup>

State intervention increased dramatically after 1898. The Railway Employment (Prevention of Accidents) Act was passed in 1900.<sup>6</sup> This act gave the state supervisory body, the Railway Department of the Board of Trade, the power “to make general rules, or to give specific orders in the interests of safety.”<sup>7</sup> Rules ordering the use of various mechanical

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chap. 97), which demanded that companies return figures of incidents “attended with personal injuries” (Railway Regulation Act, 1840, Section III). In practice, however, some companies failed to make any returns; see Peter Bartrip and Sandra Burman, *The Wounded Soldiers of Industry: Industrial Compensation Policy, 1833-1897* (Oxford, U.K., 1983), 40. Those companies that did provide returns appear to have considered that their obligation extended only as far as passengers. The Regulation of Railways Act of 1871 attempted to compel the companies to include figures of employee death and injury in the returns (“An Act to Amend the Law Respecting the Inspection and Regulation of Railways,” 34 and 35 Victoria, 1871, chap. 78, Section 6). The Royal Commission that sat between 1874 and 1877 (*Report from the Commissioners on Railway Accidents*, [London, 1877]) also spent some time considering the safety of employees, although the majority of their attention was devoted to passenger safety, which was the stated reason for the formation of the Commission. See Phillip Bagwell, *The Transport Revolution from 1770* (London, 1974), 192.

<sup>5</sup> Although Members of Parliament sympathetic to railway trades unions promoted the 1893 Railway Regulation Act, it was couched in terms of passenger safety; see “An Act to amend the Law with respect to the Hours of Labour of Railway Servants,” 56 and 57 Victoria, 1893, chap. 29. On the inspectors appointed to inquire into employee casualties, see Pete Houghton, “The Emergence of the Employment Inspectors in the Railway Inspectorate, c.1890-1914” (M.A. thesis, Institute of Railway Studies and Transport History, University of York, 2004).

<sup>6</sup> “An Act for the better Prevention of Accidents on Railways,” 63 and 64 Victoria, 1900, chap. 27. Short title: Railway Employment (Prevention of Accidents) Act, 1900.

<sup>7</sup> *Report of the Royal Commission Appointed to Enquire into the Causes of Accidents, Fatal and Non-Fatal, to Servants of Railway Companies and of Truck Owners* (Cd. 41, London, 1900), 13. This role was not taken on lightly, and debate continued on the “appropriate” degree of state power and about whether the state assumed some measure of responsibility for casualties with these powers. In evidence to the 1899 Royal Commission, Colonel Sir Francis Marindin of the Railway Department viewed additional powers as removing responsibility from the companies, where it ought to lie. Royal Commission on the Causes of Accidents, Fatal and Non-Fatal, to Servants of Railway Companies and of Truck Owners, *Minutes of Evidence and Appendices* (Cd. 42, London, 1900), Q. 2438. Usselman has observed similar debates in the United States: Steven Usselman, *Regulating Railroad Innovation: Business, Technology, and Politics in America, 1840-1920* (New York, 2002), 315-26. Bernstein considers that regulatory commissions have, as a result of hostility from the regulatee, tended “to define their goals in extremely limited terms and to be hesitant in

improvements in railway work were passed in 1902 and 1911.<sup>8</sup> In order to test life-saving appliances, the Railway Employment Safety Appliances Committee was created in 1906, consisting of one representative from the Railway Department and one each from the trades unions and the railway companies.<sup>9</sup> Finally, in May 1914 a Departmental Committee was appointed to investigate the necessity for further legislation on employee safety, although the committee never reported, because the First World War intervened.<sup>10</sup> It is evident that the state was very active between 1900 and 1914, at least at an administrative level.<sup>11</sup>

After 1914, state intervention decreased. No additional measures were enacted specifically to address railway employee safety.<sup>12</sup> As Barbara Hutter notes, “the regulation of occupational health and safety on the railways did not develop substantially from its nineteenth-century roots until the 1960s.”<sup>13</sup> It can be seen, then, that the period between 1900 and 1914 was exceptional in its level of state activity. What produced this fifteen-year period of intense action, given the dearth of intervention before 1900 and after 1914?

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upsetting traditional ways of doing business.” Marver H. Bernstein, *Regulating Business by Independent Commission* (Princeton, N.J., 1955), 14.

<sup>8</sup> Prevention of Accidents Rules 1902; Prevention of Accidents Rules 1911.

<sup>9</sup> The National Archives of the UK (TNA): Public Record Office (PRO) MT 45/8, file relating to the Railway Employment Safety Appliances Committee (RESAC). The RESAC was appointed under the conditions of the 1900 Act. Railway Employment (Prevention of Accidents) Act, 1900, Section 15.

<sup>10</sup> For example, see *The Railway Engineer* (June 1914), 169; *Railway Gazette* (12 June 1914), 779. In addition, throughout this period Railway Department inspectors examined dangerous sites, held inquiries into casualties, and made recommendations for improvements.

<sup>11</sup> The issue of policy implementation is beyond the remit of this paper; it is sufficient to note here that practice could differ significantly from prescription. The close relationship between state and companies was likely to have affected implementation in practice.

<sup>12</sup> The Factories Act, 1937, affected those employees in the workshops covered by the Factories legislation; the intent of introducing this legislation, however, was not to address railway employee safety specifically. It was also subject to extensive resistance by factory and manufacturing employers, including the railway companies. See Arthur McIvor, “Industrial Relations in Britain, 1900-1939,” in *A Companion to Early Twentieth Century Britain*, ed. Chris Wrigley (Oxford, U.K., 2003), 330; Helen Jones, “The Home Office and Working Conditions 1914 to 1940” (Ph.D. diss., London University, 1983), 188.

<sup>13</sup> Barbara Hutter, *Regulation and Risk: Occupational Health and Safety on the Railways* (Oxford, U.K., 2001), 35. Having devoted nine pages to the development of occupational safety on the railways in the nineteenth century, Hutter gives the period between 1900 and 1974 (the Health and Safety at Work etc. Act) just two pages, and 1900-1939 receives a scant two sentences. Hutter, *Regulation and Risk*, 27-37.

Central to explaining the lack of state activity before 1900 is the companies' ability to deflect state interest. The companies used a variety of techniques to protect their autonomy from external intervention. The strength of company representation in Parliament ensured the opposition or neutralization of legislative proposals.<sup>14</sup> Threat of increased state intervention was answered with the claim that the companies would introduce the necessary remedies voluntarily.<sup>15</sup> The British companies' refusal to recognize trades unions also ensured that a potential source of agitation for improved employee safety was suppressed.<sup>16</sup> Finally, Rande Kostal has argued that legal decisions effectively excluded employees from claiming compensation for injury. As in the United States, these decisions removed the companies' financial incentive to improve employee safety.<sup>17</sup>

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<sup>14</sup> On the companies' success in opposing state intervention, see Knox, "Blood on the Tracks," 12-13; Alderman, *The Railway Interest*; Phillip Bagwell, "The Railway Interest: Its Organisation and Influence, 1839-1914," *Journal of Transport History*, 1<sup>st</sup> ser., 7 (Nov. 1965): 65-86; Parris, *Government and the Railways*.

<sup>15</sup> The idea of the "voluntary solution" was not restricted to the railways: it found ready acceptance within a prevailing political ethos that favored a relatively limited degree of state intervention. With reference to passenger safety, the companies protested their ability to introduce safeguards such as continuous brakes voluntarily, and the state acquiesced until the Armagh crash of 1889, in which 78 people died and 260 were injured. Three months later, an Act of Parliament forced companies to introduce continuous brakes and other measures for the protection of passengers. Bagwell, *The Transport Revolution*, 192-93. Indeed, the claim of voluntary action was sufficiently convincing to last well into the twentieth century, as seen in the prevalence of the "Safety Movement." The "voluntary solution" also had purchase in the United States: Kurt Wetzel, "Railroad Management's Response to Operating Employees Accidents, 1890-1913," *Labor History* 21 (1980): 351-68, quotation at 354.

<sup>16</sup> Geoffrey Alderman, "The Railway Companies and the Growth of Trade Unionism in the Late Nineteenth and Early Twentieth Centuries," *Historical Journal* 14 (March 1971): 129-52; Phillip Bagwell, *The Railwaymen: The History of the National Union of Railwaymen* (London, 1963), esp. 297-99.

<sup>17</sup> Rande Kostal, *Law and English Railway Capitalism, 1825-1875* (Oxford, U.K., 1994), esp. 254-321; Elisabeth Cawthon, *Job Accidents and the Law in England's Early Railway Age: Origins of Employer Liability and Workmen's Compensation* (Lampeter, Wales, 1997). As in the United States, the doctrines of contributory negligence, assumption of risk, and common employment were utilized; the view was that employees would act more carefully, as they knew that they would not receive compensation in the event of injury. As with the understandings of casualty causation that shaped the trajectory of the "Safety Movement," this body of legal decisions was rooted in the notion that it was necessary to change employee behavior rather than the system of operation that put employees into potentially dangerous situations. On the American experience, see Mark Aldrich, *Safety First: Technology, Labor, and Business History in the Building of American Work Safety, 1870-1939* (Baltimore, Md., 1997), 5, 29-30; Usselman, *Regulating Railroad Innovation*, 290-91; Jonathan

However, the success of those strategies diminished notably after approximately 1890.<sup>18</sup> What had changed? State activity had gradually increased across many facets of society during the nineteenth century.<sup>19</sup> This included the railway industry and, by 1900, the companies' freedom was heavily curtailed.<sup>20</sup> The number of company representatives in

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Simon, "For the Government of its Servants: Law and Disciplinary Power in the Work Place, 1870-1906," *Studies in Law, Politics, and Society* 13 (1993): 105-36; Nan Goodman, *Shifting the Blame: Literature, Law, and the Theory of Accidents in Nineteenth Century America* (London, 1998).

<sup>18</sup> While the outward success of the companies in deflecting state attention to employee safety before approximately 1900 was manifested in the lack of legislative intervention, there were underlying tensions promoted by the companies' tactics (particularly non-recognition of the unions) that resulted in increasing external pressure after 1900. Company opposition effectively forced the unions to seek redress through political channels, using sympathetic MPs, their own MPs, and by lobbying the Board of Trade (after 1919, the Ministry of Transport). This increased the public prominence of what the companies understood as a "business" matter. This is a very limited adaptation of the argument made by Alborn, who provides an important qualification to the railway companies' apparent success in resisting external intervention before the 1890s. With particular reference to railway rates, he argues that short-term successes were achieved at the expense of long-term viability. Consequently, from the end of the nineteenth century the companies were subject to increasing external regulation (through the state apparatus and through public pressure) that they were unable to resist. See Timothy Alborn, *Conceiving Companies: Joint-Stock Politics in Victorian England* (London, 1998), 173-256.

<sup>19</sup> For example, Oliver MacDonagh, "The Nineteenth Century Revolution in Government: A Reappraisal," *Historical Journal* 1 (1958): 52-67; James Roy Hay, *The Development of the British Welfare State, 1880-1975* (London, 1978); Peter Bartrip, "State Intervention in Mid-Nineteenth Century Britain: Fact or Fiction?" *Journal of British Studies* 23 (Autumn 1983): 63-83; John Armstrong and David Williams, "The Steamboat, Safety and the State: Government Reaction to New Technology in a Period of *Laissez-Faire*," *The Mariner's Mirror* 89 (May 2003): 167-84; John Armstrong, "Government Regulation in the British Shipping Industry, 1830-1913: The Role of the Coastal Sector," in *Institutions in the Transport and Communications Industries: State and Private Actors in the Making of Institutional Patterns, 1850-1990*, ed. Lena Andersson-Skog and Olle Krantz (Canton, Mass., 1999), 153-71; Eric Evans, *Social Policy 1830-1914: Individualism, Collectivism and the Origins of the Welfare State* (London, 1978); William Howard Greenleaf, *The British Political Tradition*, vol. 1: *The Rise of Collectivism* (London, 1983).

<sup>20</sup> Knox, "Blood on the Tracks," 13; Terry Gourvish, "The Regulation of Britain's Railways: Past, Present and Future," in *Institutions in the Transport and Communications Industries*, ed. Andersson-Skog and Krantz, 117-32; Frank Dobbin, *Forging Industrial Policy: The United States, Britain and France in the Railway Age* (Cambridge, U.K., 1994); Parris, *Government and the Railways*. The railway companies certainly recognized the period after 1900 as one in which

Parliament declined, while there was a simultaneous increase in labor representation, consequently reducing the companies' ability to resist political pressure.<sup>21</sup> The growth in trade unionism resulted in increased pressure on the companies after 1895.<sup>22</sup> Public interest in employee safety also increased before 1900, prompted in part by the unions and in part by the huge number of casualties; in 1899 alone over 16,000 employees were either killed or injured.<sup>23</sup>

With a state-imposed cap on fares after 1894, increasing operational costs, and decreasing profitability, the companies' room to maneuver diminished.<sup>24</sup> As in the United States, labor relations were crucial, especially given the new practices focused on the increasing intensity and speed of work.<sup>25</sup> Legal decisions that had denied employees compensation

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they were subject to intense pressure from external forces. For example, in 1910 the Great Western Railway (London) Lecture and Debating Society was told that of recent years the management and conduct of Railways have been subjected to all sorts of criticism and attack, ranging from the uninformed, though highly imaginative, vaporings of the cheaper kind of Press, to the concerted action of various important trading interests, and even at times, to what railwaymen mostly consider the unnecessary, if not unwarranted, interference on the part of Government Authorities.

See F. P. Larkin, "The Business Value of Departmental Co-operation on Railways," Great Western Railway [GWR] Lecture and Debating Society, London, 14 Dec. 1910.

<sup>21</sup> Bagwell, "The Railway Interest," 81-83.

<sup>22</sup> Detailed consideration of the involvement of the unions is beyond the scope of this paper, but it seems to have been a significant factor in prompting concern over employee safety in Parliament and in the wider public. On the growing power of railway trade unions, see David Howell, *Respectable Radicals: Studies in the Politics of Railway Trade Unionism* (Aldershot, U.K., 1999); Alderman, "The Railway Companies," 129-52; Bagwell, "The Railway Interest," 81-83.

<sup>23</sup> Killed: 582; injured: 15,584; total: 16,166. Figures from *General Report to the Board of Trade upon the Accidents that have occurred on the Railways of the United Kingdom for the Year 1899* (Cd. 320, London, 1900), 3. [All Board of Trade/ Ministry of Transport *Reports* viewed at the National Railway Museum (NRM), York, England.] The available statistics on employee death and injury are highly problematic. There is no guarantee that all injuries were reported; the increases caused by the tightening definition of "accident" in 1895 and 1906 indicate that, prior to those dates, some work-related injuries went unrecorded. Also, the split authority for investigating and reporting casualties complicated figures: while the companies reported "outside" casualties to the Board of Trade (that is, casualties involving trains or work on the lines), factory casualties were reported to the Home Office. See also the comments of Knox, "Blood on the Tracks," 5-8.

<sup>24</sup> Robert Irving, "The Profitability and Performance of British Railways, 1870-1914," *Economic History Review* 31 (Feb. 1978): 46-66; Alderman, "The Railway Companies," 132-33; Howell, *Respectable Radicals*, 28.

<sup>25</sup> Usselman, *Regulating Railroad Innovation*, 12, 285-87; Howell, *Respectable Radicals*, 47, 75; TNA: PRO RAIL 1124/175, *Minutes of Proceedings of the*

for injury were overturned, until compensation became automatic in 1897. This imposed a financial burden that the companies had not previously faced; one company paid out just under £32,000 in 1913 alone, equivalent to about £2.1 million at 2005 prices.<sup>26</sup> The similarity to the United States is striking; in both countries a variety of political, economic, and social factors came together to reduce the available means for companies to address employee safety. At the same time, the pressures on the state to intervene increased.<sup>27</sup> Consequently, as noted, the state took the more active role in regulating railway employee safety after 1899.

So how did the companies respond to the increased state intervention, which was understood as “interference” and an assault upon managerial prerogative?<sup>28</sup> They used a variety of techniques intended to minimize the impact of state action.

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*Departmental Committee appointed to Inquire into the Working of the Railway Employment (Prevention of Accidents) Act, 1900, and to Report what Amendments, if any, are necessary* (unpublished minutes, London, printed 1914) [hereafter *Departmental Committee—QQ*], 364-71, testimony of Lieutenant-Colonel Pelham von Donop (Chief Inspecting Officer, Railway Department, Board of Trade); Q. 1235, testimony of Jimmy Thomas (Assistant Secretary, National Union of Railwaymen); QQ. 2530-34, testimony of John Langford Hill (Goods Staff, GWR).

<sup>26</sup> By way of comparison, passenger compensation on the GWR (for casualty rather than lost baggage) for 1913 came to just over £5,100 (1913 prices). TNA: PRO RAIL 1110/196, GWR Half-Yearly Reports and Accounts 1913-1922, *Accounts for Year Ended 31 December 1913*, 11. Equivalent price in 2005 based on the Retail Price Index. Lawrence Officer, “How much is that worth today?,” 2004, *Economic History Services*; viewed 2 May 2006. URL: <http://eh.net/hmit/ppowerbp/>. Prior to 1913 figures given in the accounts were not disaggregated; in 1898, the final complete year prior to the effect of the 1897 Workmen’s Compensation Act, total passenger and employee compensation came to just under £8,600 (1898 prices).

<sup>27</sup> On the similarities with American railroads, see Wetzell, “Railroad Management’s Response,” 351, 357, 365; Charles Clark, “The Railroad Safety Problem in the United States, 1900-1930,” *Transport History* 8 (Spring 1977): 54-74, at 63; Aldrich, *Safety First*, 169, 188; Usselman, *Regulating Railroad Innovation*, 290-92.

<sup>28</sup> For example, Frank Potter, the chief assistant to the general manager of the GWR, stated, “State control destroys that free exercise of discretion which is essential to secure the best commercial results.” Report of lecture given by Frank Potter, “The Requirements of the Board of Trade,” *Great Western Railway Magazine [GWRM]* (Jan. 1905), 12. On ideas of interference, see Hutter, *Regulation and Risk*, 34; Alderman, *The Railway Interest*, 44, 135; Bartrip and Burman, *The Wounded Soldiers*, 41-42. The idea of state intervention as “interference” was not confined to the railways; see Arthur McIvor, “State Intervention and Work Intensification: The Politics of Occupational Health and Safety in the British Cotton Industry, c.1880-1914,” in *Labour, Social Policy and the Welfare State*, ed. Ad Knotter, Bert Altena, and Dirk Damsma (Amsterdam,

Chief among these was what Ewan Knox calls “regulatory bargaining” with the Board of Trade and Parliament, by which the companies persuaded the state that they would co-operate willingly, making “harsh” legislation unnecessary. In this, the companies were successful; the 1900 act was a much-revised version of the original bill, which the companies found highly objectionable.<sup>29</sup> The companies were willing participants on the Railway Employment Safety Appliances Committee, a committee that appeased union demands for further action but that, with a deft stroke by the companies, was steered away from considering any appliances that would be too costly to introduce.<sup>30</sup> One union noted that “The [safety] agitation weakened upon the appointment of a Committee of Safety by the Board of Trade, and if the intention . . . was to smother the agitation . . . they have largely succeeded.”<sup>31</sup> In working with the state, the companies were able to deflect attention from those issues that they did not want examined.

While cooperating on the one hand, the companies stalled on the other. The need for changes in brakes on railway wagons was first recognized in 1900, yet sustained objection over the form these changes should take meant that rules were not introduced until 1911.<sup>32</sup> The unions protested

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1997), 129; John Braithwaite, *To Punish or Persuade: Enforcement of Coal Mine Safety* (Albany, N.Y., 1985), 98.

<sup>29</sup> Knox, “Blood on the Tracks,” 11-12, 14, 19-22. See also, Alderman, *The Railway Interest*, 59, 175; Usselman, *Regulating Railroad Innovation*, 326.

<sup>30</sup> The RESAC considered the question of automatic couplings between wagons from its inception, an innovation that the railway companies had opposed since the 1890s on the grounds of cost. However, after six meetings, the Committee’s third report effectively disbarred the subject from further consideration: “After very full consideration of the subject it was decided that as far as automatic couplers were concerned, it appeared to be impracticable to fit appliances of such a character to existing waggon [sic] stock and consequently any extensive tests of automatic couplers under present conditions would be of no value.” In the Third Report of the RESAC to the Railway Department, Board of Trade, 20 Dec. 1907, 2. Although difficult to prove conclusively, it seems likely that the actions of the companies and the similarity of views between the companies and the Railway Department prompted this conclusion.

<sup>31</sup> *Railway Review* (26 April 1912), 1.

<sup>32</sup> Railway Employment (Prevention of Accidents) Act, 1900, schedule, item no. 1; *GWRM* (Dec. 1907), 258; *GWRM* (May 1908), 96; *GWRM* (Jan. 1909), 2; *Railway Gazette* (3 March 1911), 218; *Railway Gazette* (20 Oct. 1911), 412-15; *GWRM* (Dec. 1911), 329-30. Even the rules passed in 1911 allowed the companies up to twenty years to enact their provisions. Different timescales were given for conversion of appliances in proportion to the size of the vehicles that needed changing, up to a maximum of twenty years for those with over 20,000 vehicles. The stalling continued beyond 1911, however, with the companies successfully applying for extensions to the length of the period allowed for brake installation until suspension of the Rules at the outbreak of war in 1939. Wetzel notes that

about this stalling in 1914: “I desire to draw attention to the delay which has taken place by the Board of Trade in the making of . . . rules.”<sup>33</sup> Much of this delay was legitimated by the companies on the premise of the voluntary adoption of safety measures. For example, in 1899 the companies believed that “no case for immediate legislation has been made out, and that time should be given for voluntary effort on the part of the Railway Companies.”<sup>34</sup> Stalling and voluntary compliance—within the companies’ own timescale—thereby became a means of reclaiming some degree of control from the state.<sup>35</sup>

The most significant attempt to assert company control during this period came in the contest over who had the right to define “knowledge.” The companies used a variety of means to question the Board of Trade.<sup>36</sup> It was claimed that the Board of Trade’s demands “were not always wise or practicable,” to the extent that “we cannot help questioning whether. . . [the Board] is as well advised as it might be, especially upon matters of a practical . . . character affecting railways.”<sup>37</sup> There was continuous pressure on the boundaries of state regulation, with claims that only the companies had the authority to judge and solve the employee safety problem.<sup>38</sup> In 1911, for example, the Great Western Railway claimed, “the

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the American railroads deployed the same tactics following the 1893 Safety Appliances Act. See Wetzel, “Railroad Management’s Response,” 353-54.

<sup>33</sup> TNA: PRO RAIL 1124/175, *Departmental Committee*, Q. 1288, testimony of Jimmy Thomas. See also, Q. 1084, and the report in the *Railway Gazette* (17 July 1914), 105.

<sup>34</sup> TNA: PRO RAIL 1098/3, Railway Companies Association (RCA) meeting no. 380, minute 2307, 12 July 1899. This voluntary ethos was deliberately reinforced in 1914, when the GWR noted the industry’s success in taking dead-buffered wagons (those without sprung buffers, the shock absorbers between wagons) out of service. Yet, even this triumphalist rhetoric contained an acknowledgement of a three-year delay in implementing the change. See *GWRM* (March 1914), 75-76.

<sup>35</sup> These strategies were to be found throughout business; see Knox, “Blood on the Tracks,” 15; Braithwaite, *To Punish or Persuade*, 112, 123; Sandra Dawson, Paul Willman, Alan Clinton, and Martin Bamford, *Safety at Work: The Limits of Self-Regulation* (Cambridge, U.K., 1988), 4; Arthur McIvor, “Work and Health, 1880-1914: A Note on a Neglected Interaction,” *Scottish Labour History Society Journal* 24 (1989): 47-67, at 62.

<sup>36</sup> For example, through in-house journals, the trade press, and direct communications with the Board of Trade.

<sup>37</sup> *GWRM* (Jan. 1905), 12.

<sup>38</sup> This pressure was seen in 1905, when the Board of Trade was compelled to question the railway companies over discrepancies between the figures that companies had returned, as required by law since 1871, relating to employee casualties. TNA: PRO RAIL 1098/53, RCA meeting no. 466, minute 3030, 7 Dec. 1905. Knox shows that the companies pursued this approach in 1899 with reference to the Royal Commission and the proposed legislation. Knox, “Blood on the Tracks,” 18. Alborn observes the same response in relation to the issue of

interests of safety would have been better served had [our] appliance been prescribed for general adoption.”<sup>39</sup>

There were two imperatives underlying these interactions with the state. The first of these was the desire to retain company autonomy over the work environment.<sup>40</sup> In this, the companies had some success. The second imperative related to the financial impact of safety measures. Throughout this period the railway companies’ financial position remained unstable, with dividends to maintain and expenses mounting.<sup>41</sup> Hence, the companies’ efforts consistently steered the state away from expensive technologies.<sup>42</sup> The companies made distinct choices about how to address safety, choices ensuring that danger in the workplace was not fully eliminated.

Responses to state intervention were not simply negative. The companies’ attempted to retain control of workplace safety through the introduction of the “Safety Movement” educative campaign in 1913, designed to show employees “safe” and “unsafe” work practices. It followed in the wake of the American “Safety First” campaign, which,

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railway rates after the 1880s, and the authority of the company to judge “correct” or “fair” rates. See Alborn, *Conceiving Companies*, 234-37.

<sup>39</sup> *GWRM* (Dec. 1911), 330. This attempt to preserve the companies’ claims on “knowledge” relating to safety was recognized by Sub-Inspector Amos Ford of the Railway Department, who observed that “Some companies think they know best, and do not want any teaching.” See Royal Commission on the Causes of Accidents, Fatal and Non-Fatal, to Servants of Railway Companies and of Truck Owners, *Minutes of Evidence and Appendices*, (Cd. 42, London, 1900), Q. 2129.

<sup>40</sup> Across business as a whole, McIvor observes that “whilst undoubtedly legislation provided a significant matrix of protection . . . its impact before World War One should not be exaggerated.” In McIvor, “Work and Health,” 64. This was partially a result of opposition to state intervention from companies.

<sup>41</sup> Alborn, *Conceiving Companies*, 244-45; Knox, “Blood on the Tracks,” 9, 14. These reasons were certainly well worn: for example, *Parliamentary Debates (House of Commons)*, 4th ser., vol. 170 (6 March 1907), columns 887-88; *Railway Review* (8 Dec. 1911), 2-3.

<sup>42</sup> One possible explanation of the disinclination to pursue expensive technological fixes to the safety problems relates to the state’s capping of rates and charges between 1894 and 1913, and the generally poor financial situation of the companies. A further related (and highly significant) factor in the opposition to the installation of automatic couplings lay in the nature of the British railway industry and the use of rolling stock owned by private concerns rather than by the railway companies. Collieries owned large fleets of wagons and hence faced the (potentially huge) cost of introducing automatic couplings; they were reluctant to spend this money and opposed automatic couplings vigorously. The companies could not compel the collieries to make the changes, and as automatic couplings were conceived as an “all or nothing” solution, the non-compliance of a substantial proportion of the total fleet of wagons ensured that automatic couplings were not introduced. Clearly, employee safety issues extended beyond the understanding of only state-railway company interactions.

according to Mark Aldrich, ensured that workers “had far less freedom to determine their own work practices.”<sup>43</sup> Pertinently, Steven Usselman has noted that “searching for remedies to the pressing problems and responding to renewed pressure from government for improved safety, lines reluctantly found themselves considering radical new departures.”<sup>44</sup> The same was true in Britain, where the “Safety Movement” marked the culmination of the attack on state knowledge of employee safety. It was a “radical new departure,” using a variety of techniques, including magazine articles, booklets, competitions, and films. The written material was extremely informal in tone and heavily dependent upon photographs; it attempted to make the messages easily understood and accessible. This was a highly visual and highly visible alternative to the safety regimes suggested by those external to the railway companies.

The “Safety Movement” did not require any expensive technology or changes to the established procedures.<sup>45</sup> In fact, its great advantage was that it permitted the retention of those procedures, complete with the danger that would have been so expensive to remove. Yet, it was very obvious that the companies were addressing the safety problem. At the 1914 investigation into employee safety, the most senior state official responsible for railway safety observed:

. . . the railway companies are making tremendous efforts to make the men more careful. [In the monthly article] they very often make a picture showing exactly how the man was working when the accident occurred, and another picture showing how he ought to have been working.<sup>46</sup>

This educative approach can be seen to have hit its mark. Timothy Alborn argues that in the nineteenth century the companies repeatedly redefined their characters and purposes to avoid state intervention.<sup>47</sup> Similarly, the railway companies used the “Safety Movement” to redefine the ways in which employee safety was to be addressed, thereby deflecting

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<sup>43</sup> Aldrich, *Safety First*, 7.

<sup>44</sup> Usselman, *Regulating Railroad Innovation*, 11. Although Usselman considers “hard” technologies and, in this instance, passenger safety, his comments are applicable to the British experience and the use of the “soft” technology of the educative campaign.

<sup>45</sup> Usselman notes of American railroad’s introduction of technologies: “In choosing to emphasize certain lines of innovation, railroads in effect sought out those paths that appeared least likely to cause disruptions.” See Usselman, *Regulating Railroad Innovation*, 7 and 274, 287; Aldrich, *Safety First*, 39.

<sup>46</sup> TNA: PRO RAIL 1124/175, *Departmental Committee*, Q. 317, testimony of Lieutenant-Colonel Pelham von Donop.

<sup>47</sup> Alborn, *Conceiving Companies*, especially 5, 174, 177, 201-2, 225-56. Usselman makes broadly similar arguments regarding the ways in which rhetoric deployed during the nineteenth century trapped American railroad companies of the early twentieth century as they attempted to evade external intervention. Usselman, *Regulating Railroad Innovation*, especially 332, 339.

unwanted attention.<sup>48</sup> It appeared that the companies had the means by which to reduce casualty rates.

Given how the railway companies contested external intervention between 1900 and 1914, it is necessary to consider why the state appeared to lose interest in employee safety after 1914. The answer in part lies in broader political and economic factors. The railway industry was subject to extensive organizational upheaval after 1914. As a result of the war, the state took control of the railways between 1914 and 1921. Between 1921 and 1923, they amalgamated 123 companies into four massive groupings.<sup>49</sup> In December 1918, a Railway Department memo noted, "Both the Board of Trade and the Companies and also the Unions are and will be busy over other matters relating to the Railways." The consequence was cancellation of explicit consideration of employee safety.<sup>50</sup> During the 1920s and 1930s, the railway industry experienced a period of prolonged economic retrenchment, driven by national economic conditions and the disastrous competition with road transport.<sup>51</sup> As a result, railway employee safety was not of immediate concern to the state, the companies, or the unions.<sup>52</sup> It was noted in one railway newspaper that "Safety seems to sink into a secondary position when the more burning questions of wages, hours and other conditions of service are on the same agenda."<sup>53</sup> Thus, employee

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<sup>48</sup> Aldrich notes of the American educative campaign: "the safety movement provided the carriers with a shield to fend off increasingly expensive and intrusive government regulations." See Aldrich, *Safety First*, 190.

<sup>49</sup> On the merger and its effects on one company, see Geoffrey Channon, "The Great Western Railway under the British Railways Act of 1921," *Business History Review* 55 (Summer 1981): 188-216.

<sup>50</sup> TNA: PRO RAIL MT 45/8, file relating to the RESAC, memorandum from Sir William Marwood to the president of the Board of Trade, 19 Dec. 1918.

<sup>51</sup> On the unclear link between economic performance and safety, see Knox, "Blood on the Tracks," 14. Although his comments refer to the period before 1914, they are indicative of changes occurring after 1914. On the implications across wider industry and industrial relations, see McIvor, "Industrial Relations in Britain," esp. 325. For a brief introduction to all of these factors, see Gerald Crompton, "Railway Nationalisation in the U.K.," in *Institutions in the Transport and Communications Industries*, ed. Andersson-Skog and Krantz, 133-38; Alborn, *Conceiving Companies*, 252-56; Gerald Crompton, "Efficient and Economical Working? The Performance of the Railway Companies, 1923-33," *Business History* 27 (July 1985): 222-37.

<sup>52</sup> This is not to suggest that safety was of no concern, just that other concerns appeared more pressing. See Knox, "Blood on the Tracks," 1; McIvor, "State Intervention and Work Intensification," 134-36; Graham Wilson, *The Politics of Safety and Health: Occupational Safety and Health in the US and Britain* (Oxford, U.K., 1985), 114; Jones, "The Home Office," 278; McIvor, "Work and Health," 59.

<sup>53</sup> "Can Accidents to Railway Employees be Reduced? (III.)," *Railway Gazette* (26 Aug. 1927), 253. This is borne out by the evidence found within the minutes of meetings between the unions and the companies to discuss matters such as

safety was given a relatively low priority by those responsible for determining policy, whether state, union, or company.<sup>54</sup>

We can also explain the lack of new state-sponsored measures in terms of the acceptance of the “Safety Movement.”<sup>55</sup> With the First World War, the companies, left with the initiative on employee safety, continued the educative campaign. Thus by 1919, when the state might have had the time or desire to resume its interest in the safety question, the companies had been directing the response to employee safety for nearly six years. Consequently, their position was deeply entrenched.<sup>56</sup> Moreover, the “Safety Movement” appeared to offer a viable solution. The campaign rhetoric consistently made claims for its success. In 1919, one company claimed: “There is no question about it—a large number of accidents were prevented. Year after year the records showed that casualties were

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safety, wages, and conditions. Virtually all of the discussion related to wages and conditions; safety featured as a tangential concern, often connected with the payment of danger money. See TNA: PRO RAIL 1026/34, Minutes of Meetings between the Railway Companies and the National Union of Railwaymen (NUR), Nov. 1920-Dec. 1926; TNA: PRO RAIL 1026/29, Minutes of Meetings between the Railway Companies and the NUR, 1931-52. There is also evidence that the tendency to concentrate upon wages and hours was (publicly) observed before 1914; see *Punch* (20 Dec. 1911), 449, for a satirical graph representation.

<sup>54</sup> This is comprehensible as the outcome of a rational decision-making process (upon which model the “Safety Movement” and idea of the educative campaign was predicated). The worker had only a chance of incurring injury; loss of wages (to the employee, if they did not work in unsafe conditions) or loss of capital (to the employer, investing in expensive safety measures) definitely affected the relevant party. The rationality of “risky behaviour” is considered in literature addressing why people might act in ways that are dangerous: see Catherine Jane Mills, “Statutory Safety and Health Provision in the British Mining Industry, with Particular Reference to Non-Ferrous Metals, 1800-1914” (Ph.D. diss., University of Exeter, 2003), 303; Dawson et al., *Safety at Work*, 23-24, 241; Dorothy Nelkin and Michael Brown, “Observations on Workers’ Perceptions of Risk in the Dangerous Trades,” *Science, Technology, and Human Values* 9 (Spring 1984): 3-10; Matthew Hilton, *Smoking in British Popular Culture, 1800-2000* (Manchester, U.K., 2000), especially 185, 192, 195, 204, 225, 227, 230-31, 254. This is not to deny the role of official negotiation at the shopfloor level, or the possibility of unofficial negotiation between workers and supervisors, which may explain why safety makes little appearance in the preserved record. For example, see Michael Bloor, “No Longer Dying for a Living: Collective Responses to Injury Risks in South Wales Mining Communities, 1900-47,” *Sociology* 36 (Feb. 2002): 89-105.

<sup>55</sup> Existing inspection and inquiry duties continued.

<sup>56</sup> It also fitted in with ideas that were emerging regarding the “human factor” in casualty causation; ideas endorsed at the state level through the work of bodies such as the Health of Munitions Workers Committee and Industrial Fatigue Research Board.

decreasing.”<sup>57</sup> Such claims must be viewed as a means of legitimating the educative campaign. If the voluntary approach could be shown to be working, and the companies tackling the problem, state intervention was unnecessary.<sup>58</sup> In selecting the “Safety Movement” over technological solutions, the companies made a deliberate choice as to how “safety” was to be constructed, presented, and addressed.<sup>59</sup> Other approaches were disavowed: “Two courses present themselves in connection with the prevention of accidents: one is to educate men in safe methods of doing their work, and the other is to trust to their own natural instincts of self-preservation.” No mention was made of technological or legislative solutions.<sup>60</sup> The companies thus presented the state with their method of improving safety; not only did the “Safety Movement” work, but there were no other options.

This rhetoric persuaded the Ministry of Transport, which even promoted the use of the educative campaign. For example, in 1922 the Ministry claimed that “Improvement [in casualties] can only be obtained by educating the men in personal carefulness. This is being done in many instances by means of Safety propaganda, and the general education of the staff by this means is highly desirable.”<sup>61</sup> This approach ensured that the state did not have to take a more active role—significant given the other pressing concerns of the 1920s and 1930s.<sup>62</sup> Thus, control of the messages of the “Safety Movement”—and of railway employee safety—was left in the hands of the companies after 1914.

Company control of employee safety necessitates discussion of “regulatory capture”—the idea that regulatory agencies can be dominated

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<sup>57</sup> *GWRM* (April 1919), 59.

For other examples, see *GWRM*: (June 1921), 130; (March 1926), 86; (Oct. 1926), 341.

<sup>58</sup> The approach was not entirely without its critics: “As we have seen, all these means have failed to stop aggregate increases year by year in the number of accidents. . . . Yet still the cry is for more propaganda.” Nevertheless, the (anonymous) author of this piece remained a lone, and uninfluential, voice. *Railway Gazette* (26 Aug. 1927), 253.

<sup>59</sup> See Usselman, *Regulating Railroad Innovation*, 287, for the American equivalent.

<sup>60</sup> *GWRM* (Jan. 1926), 4. That this view was adopted by the state is seen in the analysis of the work of the RESAC (looking into technological solutions) after nearly ten years: “If it is no longer in evidence, that is due, in part . . . to the spread of the Safety First movement.” *Railway Gazette* (27 March 1925), 429.

<sup>61</sup> *Report to the Ministry of Transport upon the Accidents that have occurred on the Railways of the Great Britain and Ireland for the Year 1921* (London, 1922), 12. Such statements were to be found each year in the Ministry of Transport’s reports, and demonstrate the State’s acceptance of the educative model.

<sup>62</sup> We see state acceptance of the voluntarist “Safety First” campaign in the promotion of the educative technique during the interwar period, particularly in relation to factories and manufacturing. See Jones, “The Home Office,” 260-78.

by those they were supposed to supervise.<sup>63</sup> Terry Gourvish notes: “It would be stretching things too far to [suggest] . . . that railway companies ‘captured’ the institutions which sought to regulate them.”<sup>64</sup> I would agree, although the very similar outlook between the companies and the Railway Department influenced state policy on employee safety. The shared view had existed since the start of state regulation of the railways.<sup>65</sup> The Railway Department and company officials thought in similar ways; David Howell has observed: “senior civil servants and senior railway figures spoke the same language and shared standards of reasonableness.”<sup>66</sup> Thus, upon retirement from the Railway Department in 1913, the Chief Inspecting Officer was appointed a director of one of the companies.<sup>67</sup> Similarly, in 1931 the industry understood that state inspectors were “reasonable in their views and recognise that [additional appliances] may not be justified under the conditions [at present].”<sup>68</sup>

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<sup>63</sup> Wilson, *The Politics of Safety and Health*, 21; Braithwaite, *To Punish or Persuade*, 133.

<sup>64</sup> Gourvish, “Regulation of Britain’s Railways,” 120.

<sup>65</sup> On the nineteenth-century origins of the Railway Department and the links with the railway companies, see Parris, *Government and Railways*, 37; Alderman, *The Railway Interest*, 46, 66. On the general point, see Dawson et al., *Safety at Work*, 208-12.

<sup>66</sup> David Howell, “Railway Safety and Labour Unrest: The Aisgill Railway Disaster of 1913,” in *On the Move: Essays in Labour and Transport History Presented to Philip Bagwell*, ed. Chris Wrigley and John Shepherd (London, 1991), 123-54, quotation at 154. Of relevance is Miliband: “If members of the ruling class and the state are drawn from the same social groups in society, are subject to the same socialisation and educational process . . . then they are likely to share the same fundamental assumptions and interests and, in a crisis particularly, they are likely to behave in ways which tend to preserve their common interests.” Ralph Miliband, quoted in James Roy Hay, “Employers’ Attitudes to Social Policy and the Concept of ‘Social Control,’” in *The Origins of British Social Policy*, ed. Pat Thane (London, 1978), 112. Similarly, in 1905 the GWR observed that “relations between the Board of Trade and the companies are usually of a very cordial character, and the iron hand of power is exercised through a velvet glove.” *GWRM* (Jan. 1905), 12.

<sup>67</sup> Lieutenant-Colonel Sir Arthur Yorke, Chief Inspecting Officer of Railways 1900-13; joined the Board of Directors of the GWR in 1914. According to Bernstein, “Various social opportunities may be open to commissioners who are or may become sympathetic to the position of the regulated groups. The chance to secure an executive post with a firm subject to regulation may urge a certain kind of restraint upon commissioners.” See Bernstein, *Regulating Business*, 83.

<sup>68</sup> *Railway Gazette* (13 March 1931), 390-91; see also *Railway Gazette* (16 June 1922), 955. Channon notes that the railway company general managers were “increasingly familiar with official [State] committees, rules and regulations; [during the First World War] they were in permanent contact with the machinery of government, if not part of it. Indeed, in important respects they acted . . . as the Board of Trade’s agents.” Channon, “The Great Western Railway,” 194.

We find further demonstration of the parity of view between state and company in their understandings of the causes of casualties. The state could not investigate the cause of every employee casualty—there were far too many—but it trusted the analyses provided by the companies. Between 1900 and 1939, the companies' statistics "showed" that employee "carelessness" caused over 95 percent of casualties. The state investigators largely agreed, concluding that approximately 90 percent of casualties were caused by employees.<sup>69</sup> We see similarities between the state and companies' understanding of "safety" and causation; yet, Theo Nichols has observed, "if men make accidents they do not do so under conditions of their own choosing."<sup>70</sup> The focus upon the carelessness of the worker obscured the system as a causative factor—a system that routinely put employees in dangerous situations, such as work in among moving trains.<sup>71</sup> Neither state nor company questioned that the system should

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<sup>69</sup> *General Report to the Board of Trade upon the Accidents that have occurred on the Railways of the United Kingdom* (London) for the years 1913-19; *Report to the Ministry of Transport* (London) for the years 1920-38. Statistics come from tables of casualties inquired into by the state; causes attributable to employees defined as parts A-C (following the state's division into these categories). The idea of employee "carelessness" was originally invoked in the nineteenth century (in relation to the railway industry), and persisted at least into the 1980s in Britain: in 1984 it was observed (by the state) that "Dangerous situations result all too frequently from the indifference bred by familiarity." Major Charles Rose, *Report to the Secretary of State for Transport and the Health and Safety Commission on the Safety Record of the Railways in Great Britain during 1984* (London, 1985), vi. We find a similar notion of employee "carelessness" in the American campaign. See Aldrich, *Safety First*, 115.

<sup>70</sup> Theo Nichols, *The Sociology of Industrial Injury* (London, 1997), 117. The brief reports of the few employee casualties investigated exemplify this attitude. For example, of an employee run down by a train, the conclusion read: "The accident was due to Miller failing to keep a good look-out, and commencing to work apart from [his co-worker] Eggaford while he was working in a place where danger was likely to arise." That he was working in a place where danger was likely to arise was not the problem, in this understanding of safety; it was the employee's failure to look after himself where he should have displayed caution. William Worthy Cooke, *Summary of Accidents and Casualties reported to the Ministry of Transport During the Three Months ending 31 December 1927*, "Appendix C: Reports by the Sub-Inspecting Officers of Railways on Accidents to Railway Servants and Other Persons Employed on Railway Premises" (London, 1928), 41.

<sup>71</sup> That this is not a projection of an anachronistic (late twentieth-century) understanding of casualty causation is demonstrated by David Howell's discussion of the causes of the Aisgill passenger crash of 1913, in which the NUR's Jimmy Thomas (among others) argued contemporaneously that the incident was due to the Midland Railway's policy decisions rather than to the engine driver. Howell, "Railway Safety and Labour Unrest," 123-54, especially 138-40. Similarly, the 1877 Royal Commission received a memorial from various

operate in this way; the “Safety Movement” reinforced this apparently “natural” system, and addressed only the employee’s role in casualty prevention.

This understanding among state and companies concerning the causes of casualties was consistent throughout the period. It is therefore understandable why the state was so willing to leave safety in the hands of the companies after 1914. As Marver Bernstein notes:

. . . this is not to suggest that there is a conspiracy between the regulated and the regulator but rather a more subtle relationship in which the mores, attitudes, and thinking of those regulated come to prevail in the approach and thinking of many commissioners.<sup>72</sup>

Thus, it could be that the state was susceptible to the claims of voluntarism and cooperation on the part of the companies, and to the messages and solutions offered by the “Safety Movement.”<sup>73</sup>

In this paper, I have explored some of the ways in which the state and business interacted to produce occupational safety on Britain’s railways between 1900 and 1939. I suggest that we can explain state action—or inaction—through the companies’ attempts to minimize state intervention. This was achieved through devaluation of state knowledge, seeming cooperation with the state, and the voluntary approach of the “Safety Movement.” There was also considerable similarity in outlook between state and company, particularly over the causes of casualties.

The close relationship between state and industry still exists, epitomized in the statement of a former British Rail Safety Officer interviewed for the National Archive of Railway Oral History. He recalled that following casualties in the 1980s, state inspectors made recommendations and together had discussions

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(manual) grades of railway employees that took issue with the companies’ classification of those casualty causes that found the employee responsible. The memorial instead offered a series of potential causes in which the *system* was at fault (such as excessive hours of labor or insufficient numbers of staff employed). *Report from the Commissioners on Railway Accidents*, Appendix G: “Memorial to the Royal Commission on Railway Accidents from Inspectors, Engine-Drivers, and Firemen, Guards, Shunters, Pointsmen, Porters, and Platelayers employed on British Railways” (1877), 122.

<sup>72</sup> Bernstein, *Regulating Business*, 83.

<sup>73</sup> Contemporary observers noticed this similarity of outlook. One union claimed that “the strings of the Railway Department . . . are pulled by the officials of the railway companies.” *Railway Review* (24 Feb. 1911), 15. See also: *Railway Review* (7 March 1913), 1. Another author was critical of what he called “collusion” between the state and the companies, and of the “‘friendly’ deal between the great companies and the Board of Trade.” Rowland Kenney, *Men and Rails* (London, 1913), 124-25, 128, 230; see also 111, 121-23. Although the evidence for such an explicit link is dubious, it is significant that the state was perceived in this way.

. . . to fine tune them, not with the intention of trying to be negative at all, or obstructive . . . but just so that the recommendations that they'd made were ones that we felt [British Rail] could accept happily and that we thought were practical and realistic.<sup>74</sup>

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<sup>74</sup> NRM, National Archive of Railway Oral History, 2002-143 (interviewee name withheld), tape 10, side B.